

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

November 24, 2009

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** - The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold "Hal" Epperson, David Komm, Susan Schaefer Kliman, Claudia Perchinelli, Howell "Chip" Shay, Erick Weiland, John Willett and Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** - No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** - Dr. Schaefer Kliman moved to approve the October 27, 2009. Mr. Epperson seconded. Motion Carried.
5. **ENFORCEMENT MATTERS**
Review, Consideration and Possible Vote on the following:
 - A. Proposed Letters of Concern
 1. M08-127 Gregory B. Junkar, Land Surveyor #39130 - Mr. Epperson recused himself due to a Conflict of Interest. Dr. Schaefer Kliman moved to accept Staff recommendation and issue Mr. Junkar a Letter of Concern. Mr. Komm seconded. After discussion, Motion Carried.
 2. M09-023 Annette King, Architect #22502 - Mr. Daniel Luciano addressed the Board. Mr. Shay moved to accept Staff recommendation and issue Ms. King a Letter of Concern. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.
6. **HOME INSPECTOR ENFORCEMENT MATTERS**
Review, Consideration, and Possible Vote on the following:

There were no Home Inspector Enforcement Matters before the Board.
7. **DRUG LABORATORY ENFORCEMENT MATTERS**
Review and Consideration
 - A. Update
 1. DL08-009, Efrain and Maria Contreras, Nonregistrants - Ms. Vardian advised the Board this case is being forwarded to the Office of the Attorney General for collection.

8. Review, Consideration, and Possible Vote on the following:

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. EXAMINATION

1. Jared Brown, Engineer-in-Training Applicant # 090174 – This matter was tabled.

2. Frederick Aidoo, Architect Applicant # 050789 – Dr. Schaefer Kliman moved to grant Mr. Aidoo's request to have his application testing placed on hold until he returns from his deployment and his active duty with the U.S. Army is complete. Mr. Shay seconded. After discussion, Motion Carried.

B. REGISTRATION

1. Ysidro R. Barron, Architect Applicant #091104 – Dr. Schaefer Kliman moved to accept Mr. Barron's application and grant him registration. Ms. Woodall seconded. After discussion, Motion Carried.

9. Review, Consideration, and Possible Vote on the following:

EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

1. Granting of professional or in-training registration – Dr. Schaefer Kliman moved to grant those applicants registration or in-training designation as listed. Mr. Epperson seconded. Motion Carried.

2. Approval to sit for the professional or in-training examination – Dr. Schaefer Kliman moved to approve those applicants to sit for the professional or in-training examination as listed. Mr. Epperson seconded. Motion Carried.

3. Recommendation for denial of professional or in-training examination – Dr. Schaefer Kliman moved to deny those professional or in-training examinations as listed. Mr. Epperson seconded. Motion Carried.

10. Review, Consideration, and Possible Vote on the following:

1. Possible Administrative Penalty for Failure to Notify of New Address per A.A.C R4-30-301 – Mr. Komm moved to direct Staff to issue an administrative penalty to registrants who become delinquent for not notifying the Board of a new address within 30 days of moving. Ms. Perchinelli seconded. After discussion, Motion Carried. Mr. Shay voted nay.

2. Whether a Nonregistrant may draft site depictions for cities to obtain certificates of occupancy without violating state statutes and rules – Brett Davis, Executive Director, Wayne Swan, Jr., Architect, Joseph Maher, Jr., Architect, and Rick Bright, Architect with the Southern Arizona AIA attended this portion of the meeting via teleconference. Dr. Schaefer Kliman moved to have Staff prepare and send an informational letter to Ernie Duarte, Director of the City of Tucson Development Services Department, advising of concerns that the Policy is not consistent with the requirements of current Arizona statutes and the rules of the Board. Mr. Epperson seconded. After discussion, Motion Carried.

3. Possible new Substantive Policy Statement No. 11:

System or Component Source/End Point Substantive Policy Statement – Mr. Shay moved to accept the language as submitted and institute Substantive Policy Statement No. 11. Dr. Schaefer Kliman seconded. After discussion, Motion Carried. Mr. Komm voted Nay.

4. Possible new Substantive Policy Statement No. 12:

Firm Registration – Ms. Woodall recused herself for a Conflict of Interest. No action was taken on this item.

5. Discussion and update regarding the November 17, 2009 AIA Meeting and Possible Legislative Changes – No action was taken on this item.

11. LAPSED LIST – Dr. Schaefer Kliman moved to lapse the registration of the individuals as listed. Mr. Epperson seconded. Motion Carried.

12. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Budget

The Board provided the Governor's office with the budget cut impact documents requested. Each Board member received a copy of the documents.

The Governor's office asked for permanent cut evaluations to be made and we did that. Unfortunately, if the situation does require cuts of that magnitude, there will be no choice in FY2011, we will have to reduce staff. A fiscal year reduction in the last half of FY2010 followed by a 30% reduction in FY2011 would require an annual reduction of over \$500,000.00.

Nothing has come from the Governor or the Legislature requiring this agency to make any additional budget cuts as of November 24, 2009.

Personnel

Despite the hiring freeze, the Board was authorized to fill three recently vacated positions. One investigator position has already been filled by C. Vernon Lewis, a longtime EAC public member and an experienced investigator.

A hiring list was received for the Customer Service Representative position and interviews have been conducted. Pamela Sallay-McHose was offered the position and she has accepted the position. Pamela has over 25 years of experience working in management and customer service positions. She was a manager for Target stores for approximately 12 years. She will start on Monday, November 30, 2009.

A hiring list of the other investigator position has been received and we are processing applications.

Mr. Lewis and Ms. McHose were in attendance and introduced to the Board.

13. **BOARD CHAIR'S REPORT** – Ms. Cesare advised of the Board's long standing tradition of a holiday luncheon provide by Board members to Board Staff after the December Board Meeting and advised the Board members will continue to uphold this tradition after next month's meeting.

14. **STANDING COMMITTEE REPORT**

1. **Legislation and Rules Committee ("L&R")** – Dr. Schaefer Kliman advised the L&R Committee met after the October 27, 2009 Board meeting. The Committee will continue to monitor changes taking place with Building Information Modeling and place this item back on the L&R agenda when new information requires further discussion/action.

The Committee decided no action was necessary regarding firm registration and firm principals. The Board needs to have the ability to determine these issues on a case-by-case basis. This item has been removed from future agendas.

Language currently being used in consent agreements for peer review may not reflect current practices so the Committee has asked Staff and legal to review and fine tune the peer review process for future consent agreements using this disciplinary action.

The Board has acted on the final L&R agenda item by voting on the new Substantive Policy Statement No. 11 – System or Component Source/End Point Substantive Policy Statement.

The next meeting is scheduled to begin after the Board's January 26, 2010 meeting.

2. **Budget Committee** – Mr. Dalrymple advised the Board's renewals are lagging a bit and he will provide a 5-month report at the December meeting.
3. **Home Inspector Rules and Standards Committee ("HIRS")** – Mr. Shay advised:
The HIRS committee is looking to fine tune the language of the current Standards for clarification.

Ms. Woodall is working on language for the Supplemental Checklist.

The HIRS committee is working with the Department of Real Estate and Pest Control regarding the termite inspection concerns; and

The American Society of Home Inspectors has been working with the Arizona branch to develop National Model legislation as a standard for pools and spas as well as similar outside structures to be made a part of a standard inspection.

4. **Environmental Remediation Rules and Standards Committee ("ERRS")** – Mr. Weiland advised there is nothing to report but that the Committee will be meeting December 1, 2009 so he will make a report at the December meeting.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing to report.
2. National Council of Architectural Registration Boards ("NCARB") – Dr. Schaefer Kliman advised she will be attending a meeting in Charleston, South Carolina for Intern Development Program to look at eligibility dates and processing applications.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing to report.
4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland advised he attended the Annual ASBOG meeting November 5-8, 2009 held in Birmingham, Alabama. Items of discussion included an over view of the test development process and discussions of specific information on development of two test templates for the Fundamentals and Practice Examination.

The Treasurer's report indicated the individuals taking exams has dropped off considerably from the high which occurred in 2007. ASBOG is now faced with a potential short-fall in revenues for 2010 and 2011. The executive director recommended that the yearly dues for member States be increased. The fee has not been increased since it was lowered in the mid-90s. It has been recommended and the voting members adopted the raising of the yearly fees from the current \$2,950 per year to \$4,500 per year starting in 2012.

The delegates discussed, motioned, and passed an increase for the PG exam to take effect in 2011. The new fee will be \$250.00. Delegates were asked to discuss with their individual Boards the advantages/disadvantages of raising the FG exam fees which will be reviewed at the next annual meeting scheduled to be held in St. Louis, Missouri in 2010.

16. FUTURE BOARD MEETINGS – Tuesday, December 15, 2009 at 9:30 AM.


17. FUTURE AGENDA ITEMS

1. Possible Increase to the Fundamentals in Geology Examination Fee
2. Architect Registration Examinations – Which Sections Will Be Open

18. ADJOURNMENT – Meeting adjourned at 11:43 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Karen Cesare, Chair


Ronald W. Dalrymple, Executive Director